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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bill was introduced in Lok Sabha on the 22nd July, 1977.—

BILL No 71 OF 1977

A Bill further to amend the Inland Steam-vessels Act, 1917

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Inland Steam-vessels (Amendment) Act, 1977.

Short
title and
commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

1 of 1917.

2 In the Inland Steam-vessels Act, 1917 (hereinafter referred to as the principal Act), in the long title, for the words "Inland Steam-vessels", the words "Inland Vessels" shall be substituted.

Amend-
ment of
long
title

3. In the preamble to the principal Act, for the words "inland steam-vessels", the words "inland vessels" shall be substituted.

Amend-
ment of
preamble.

4. In section 1 of the principal Act, in sub-section (1), for the words "Inland Steam-vessels", the words "Inland Vessels" shall be substituted.

Amend-
ment of
section 1.

5. Throughout the principal Act, except in the long title, preamble and section 1, for the words "steam-vessel" and "steam-vessels", wherever they occur, the words "mechanically propelled vessel" and "mechanically propelled vessels" shall, respectively, be substituted

Substitu-
tion of
references
to steam-
vessel by
mechani-
cally pro-
pelled
vessel.

Amend-
ment of
section 2.

6. Section 2 of the principal Act shall be renumbered as sub-section (1) thereof, and—

(i) in sub-section (1) as so renumbered—

(a) for clause (1), the following clause shall be substituted, namely:—

“(a) “inland vessel” or “inland mechanically propelled vessel” means a mechanically propelled vessel which ordinarily plies on any inland water;”;

(b) clause (2) shall be lettered as clause (b);

(c) after clause (b) as so lettered, the following clause shall be inserted, namely:—

“(c) “mechanically propelled vessel” means every description of vessel propelled wholly or in part by electricity, steam or other mechanical power;”;

(d) clauses (3) and (4) shall be lettered as clauses (d) and (e) respectively;

(e) clause (5) shall be omitted;

(f) clauses (6), (7) and (8) shall be lettered as clauses (f), (g) and (h) respectively;

(u) after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely.—

“(2) Any reference to the Inland Steam-vessels Act, 1917, in any law for the time being in force or in any instrument or other document shall be construed as a reference to the Inland Vessels Act, 1917.”.

1 of 1917.

Amend-
ment of
section 7.

7 In section 7 of the principal Act,—

(i) in item (ii), the word “and” occurring at the end shall be omitted;

(ii) after item (ii), the following item shall be inserted, namely:—

“(iii) the nature and quantum of cargo which the mechanically propelled vessel is, in the judgment of the surveyor, fit to carry; and”

Amend-
ment of
section
19E.

8. In section 19E of the principal Act, in sub-section (2), for the words and figures “registered under the Indian Companies Act, 1913”, the words and figures “within the meaning of section 3 of the Companies Act, 1956” shall be substituted

7 of 1913.

1 of 1956.

Omission
of
section
19G.

9. Section 19G of the principal Act shall be omitted.

Amend-
ment of
section
19 I.

10. In section 19 I of the principal Act,—

(i) in sub-section (2)—

(a) for the words “inland waters of more than one State”, the words “inland waters of any other State” shall be substituted;

(b) the proviso shall be omitted;

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) When an inland mechanically propelled vessel registered in one State has been kept in another State for a period exceeding twelve months, the owner or master of the vessel shall make an application under section 19K to the registering authority, within whose jurisdiction the vessel then is, for the transfer of registry from the registering authority of the place where the vessel is registered.”.

11. In section 19K of the principal Act,—

Amend-
ment of
section
19K.

(i) in sub-section (1), for the words “the registering authority of the place where the vessel is registered”, the words “the registering authority of the State in which the vessel is kept” shall be substituted;

(ii) in sub-section (2), for the words “the registering authority of the intended place of registry with a copy of all particulars relating to the vessel”, the words “the registering authority of the place where the vessel is registered” shall be substituted;

(iii) for sub-sections (3) and (4), the following sub-sections shall be substituted, namely:—

“(3) The certificate of registration in respect of the vessel shall be delivered up to the registering authority of the intended place of registry along with the application.

(4) On receipt of the application under sub-section (1) and the prescribed fee, if any, the registering authority of the intended place of registry shall enter in its register book all the particulars relating to the vessel and grant a fresh certificate of registration in respect of the vessel and thenceforth such vessel shall be considered as registered at the new place of registry.

(5) A State Government may make rules under section 19R requiring the owner or master of an inland mechanically propelled vessel not registered within the State which is brought into or is, for the time being in the State, to furnish to a prescribed authority in the State such information with respect to the inland mechanically propelled vessel and its registration as may be prescribed.”.

12. In section 19M of the principal Act, in sub-section (1), in the proviso, for the words and figures “also registered under the Merchant Shipping Act, 1894, as amended by any subsequent enactment”, the words and figures “registered or deemed to be registered under the Merchant Shipping Act, 1958” shall be substituted.

Amend-
ment of
section
19M.

Insertion
of new sec-
tion after
section
19Q.

13. After section 19Q of the principal Act, the following section shall be inserted, namely:—

Mortgage
of mecha-
nically
propelled
vessel
or share.

‘19QA. The provisions of sections 47, 48, 49, 50, 51, 52 and 53 of the Merchant Shipping Act, 1958, shall *mutatis mutandis* apply, in relation to the mortgage of a mechanically propelled vessel as they apply in relation to ships, subject to the following modifications, namely.—

44 of 1958.

(a) in sections 47, 48, 49, 50, 51, 52 and 53, references to “ship”, “registrar” and “register book”, wherever they occur, shall, respectively, be construed as references to “mechanically propelled vessel”, “registering authority” and “book of registration”,

(b) in section 47, in sub-section (1), for the words “the registrar of the ship’s port of registry shall record it in the register book”, the words “the registering authority shall record it in the book of registration” shall be substituted.’

Amend-
ment of
section
19R.

14. In section 19R of the principal Act, in sub-section (2),—

(a) after clause (f), the following clause shall be inserted, namely:—

“(fa) prescribe the authority and provide for furnishing to such authority the information with respect to the inland mechanically propelled vessel and its registration under sub-section (5) of section 19K;”;

(b) after clause (g), the following clause shall be inserted, namely:—

“(ga) provide for the form of instrument creating a mortgage of a mechanically propelled vessel or a share therein or transfer of any such mortgage;”.

Insertion
of new
section
after
section
19R.

15. After section 19R of the principal Act, the following section shall be inserted, namely:—

Certain
certificates
issued
under
Merchant
Shipping
Act to be
valid
under
this Act.

“19S. Every certificate of registry and every certificate of survey issued in respect of a mechanically propelled vessel under the Merchant Shipping Act, 1958, shall be valid and effective as a certificate of registration and certificate of survey, as the case may be, issued under this Act and the relevant provisions of this Act shall apply in relation to such vessel as they apply to an inland mechanically propelled vessel registered under this Act.”.

44 of 1958.

Amend-
ment of
section
22.

16. In section 22 of the principal Act, in sub-section (1), for the words and figures “before the first day of April, 1890”, the words and figures “for a period of three years before the first day of November, 1956” shall be substituted.

7 of 1884.
44 of 1958.

17 In section 22A of the principal Act, in sub-section (1), in clause (b), for the words and figures "certificate granted under the Indian Steam-ships Act, 1884", the words and figures "certificate granted or deemed to be granted under the Merchant Shipping Act, 1958" shall be substituted.

Amend-
ment of
section
22A.

18. In section 25 of the principal Act,—

1 of 1859
57 & 58
Vict., c. 60.
44 of 1958.

(i) in clause (a), for the words and figures "certificate granted under the Indian Merchant Shipping Act, 1859, or granted under, or continued in force by, the Merchant Shipping Act, 1894", the words and figures "certificate granted or deemed to be granted under the Merchant Shipping Act, 1958" shall be substituted;

Amend-
ment of
section
25.

7 of 1884.
57 & 58
Vict., c. 60.
44 of 1958.

(ii) in clause (b), for the words and figures "or the Indian Steam-ships Act, 1884, or granted under, or continued in force by, the Merchant Shipping Act, 1894", the words and figures "or granted or deemed to be granted under the Merchant Shipping Act, 1958" shall be substituted

7 of 1884.
44 of 1958.

19. In section 26 of the principal Act, in clause (b), for the words and figures "certificate granted under the Indian Steam-ships Act, 1884", the words and figures "certificate granted or deemed to be granted under the Merchant Shipping Act, 1958" shall be substituted,

Amend-
ment of
section
26.

20. In section 28 of the principal Act,—

1 of 1859.
57 & 58
Vict., c. 60.
44 of 1958.

(i) in clause (a), for the words and figures "certificate granted under the Indian Merchant Shipping Act, 1859, or granted under, or continued in force by, the Merchant Shipping Act, 1894", the words and figures "certificate granted or deemed to be granted under the Merchant Shipping Act, 1958" shall be substituted;

Amend-
ment of
section
28.

7 of 1884.
57 & 58
Vict., c 60
44 of 1958.

(ii) in clause (b), for the words and figures "certificate granted under the Indian Steam-ships Act, 1884, or an engineer's certificate granted under, or continued in force by, the Merchant Shipping Act, 1894", the words and figures "certificate granted or deemed to be granted under the Merchant Shipping Act, 1958" shall be substituted.

21. In sub-section (1) of section 33 of the principal Act, for the portion beginning with the words "If a formal investigation" and ending with the words "the State Government may", the following shall be substituted, namely.—

Amend-
ment of
section 33.

"Whenever the State Government is satisfied that it is necessary or expedient to have a formal investigation into the facts of any case reported under section 32 or otherwise brought to its notice, the State Government may".

Insertion
of new
Chapter
IVA.

22. After Chapter IV of the principal Act, the following Chapter shall be inserted, namely:—

“CHAPTER IVA

REMOVAL OF OBSTRUCTIONS AND SIMILAR HAZARDS IN NAVIGATION

Raising
of or
removal
of wreck
imped-
ing
naviga-
tion, etc.

44A. (1) If any mechanically propelled vessel or other vessel is wrecked, stranded or sunk in any inland water is or is likely to become obstruction, impediment or danger to the safe and convenient navigation or use of inland water or the landing place or embarkment or part thereof, any officer empowered by the State Government by notification in the Official Gazette in this behalf (hereinafter in this Chapter referred to as competent officer) shall cause the vessel to be raised, removed, blown up or otherwise destroyed as the circumstances may warrant.

(2) If any property recovered by a competent officer acting under sub-section (1) is unclaimed or the person claiming it fails to pay reasonable expenses incurred by the competent officer under that sub-section and a further sum of twenty-five per cent. of the amount of such expenses, the competent officer may sell the property by public auction, if the property is of a perishable nature, forthwith, and if it is not of a perishable nature, at any time not less than two months after the recovery thereof.

(3) The expenses and further sum aforesaid shall be payable to the competent officer out of the sale proceeds of the property, and the balance shall be paid to the person entitled to the property recovered, or, if no such person appears and claims the balance, shall be held in deposit for payment, without interest, to the person thereafter establishing his right thereto:

Provided that the person makes his claim within three years from the date of the sale.

(4) Where the sale proceeds of the property are not sufficient to meet the expenses and further sum aforesaid, the owner of the vessel at the time the vessel was wrecked, stranded or sunk shall be liable to pay the deficiency to the competent officer on demand, and if the deficiency be not paid within one month of such demand, the competent officer may recover the deficiency from such owner as if it were an arrear of land revenue.

Removal
of obs-
truction
in inland
water.

44B. (1) The competent officer may remove, or cause to be removed, any timber, raft or other thing, floating or being in any part of the inland water, which, in his opinion, obstructs or impedes the free navigation thereof or the lawful use of any landing place or embarkment or part thereof.

(2) The owner of any such timber, raft or other thing shall be liable to pay the reasonable expenses of the removal thereof, and if such owner or any other person has without lawful excuse caused any such obstruction or impediment, or cause any public nuisance affecting or likely to effect such free navigation or lawful use, he shall also be punishable with fine which may extend to one hundred rupees.

(3) The competent officer or any magistrate having jurisdiction over the offence may cause any such nuisance to be abated.

44C. If the owner of any such timber, raft or other thing, or the person who has caused any such obstruction, impediment or public nuisance, neglects to pay the reasonable expenses incurred in the removal thereof, within one week after demand or within fourteen days after such removal has been notified in the Official Gazette or in such other manner as the State Government may, by general or special order, direct the competent officer may cause such timber, raft or other thing or the materials of any public nuisance so removed, or so much thereof as may be necessary, to be sold by public auction and may retain all the expenses of such removal and sale out of the proceeds of the sale, and shall pay the surplus of such proceeds or deliver so much of the thing or materials as may remain unsold, to the person entitled to receive the same and if no such person appears, shall cause the same to be kept and deposited in such manner as the State Government directs, and may, if necessary, from time to time, realise the expenses of keeping the same, together with the expenses of sale, or further sale of so much of the thing or materials as may remain unsold

Recovery
of ex-
penses
of remo-
val.

44D (1) If any obstruction or impediment to the navigation of any inland water has been lawfully made or has become lawful by reason of the long continuance of such obstruction or impediment or otherwise, the competent officer shall report the same for the information of the State Government and shall, with the sanction of the State Government, cause the same to be removed or altered, making reasonable compensation to the person suffering damage by such removal or alteration.

Removal
of lawful
obstruc-
tion.

(2) Any dispute arising out of or concerning such compensation shall be determined according to the law relating to like disputes in the case of land required for public purposes

44E (1) If any mechanically propelled vessel hooks or gets fouled in any of the buoys or moorings laid down by or by the authority of the State Government in any part of inland water, the master of such vessel shall not, nor shall any other person, except in the case of emergency, lift the buoy or mooring for the purpose of unhooking or getting clear from the same without the assistance of the competent officer.

Fouling
of Govern-
ment
moorings.

(2) The competent officer immediately on receiving information of such accident, shall assist and superintend the clearing of such vessel and the master of the vessel shall, on demand, pay such reasonable expenses as may be incurred in clearing the same

(3) Any master or other person offending against the provisions of this section shall, for every such offence, be punishable with fine which may extend to one hundred rupees."

23. In section 45 of the principal Act, after clause (b), the following clause shall be inserted, namely:—

Amend-
ment of
section 45

"(bb) if the holder of such certificate is moved to have deserted his vessel or has absented himself without leave and without sufficient reason, from his vessel or from his duty; or"

Amend-
ment of
section 53.

24. In section 53 of the principal Act, in sub-section (5), for the words and figures "section 59 of the Code of Criminal Procedure, 1898", the words and figures "section 43 of the Code of Criminal Procedure, 1973" shall be substituted.

5 of 1898.
2 of 1974.

Amend-
ment of
section
54A.

25. In section 54A of the principal Act,—

(i) in sub-section (1), in clauses (a), (b) and (c), for the words "per mile", the words "per kilometre" shall be substituted;

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) In case of any dispute relating to the fixation of the maximum or the minimum rate per kilometre which may be charged in respect of any class of passengers or of freight on goods of any description carried in inland mechanically propelled vessel between any stations lying in two States, any one of the States may report the matter to the Central Government who shall decide the same".

Insertion
of new
Chapter
VIA.

26. After Chapter VI of the principal Act, the following Chapter shall be inserted, namely:—

"CHAPTER VIA

INSURANCE OF MECHANICALLY PROPELLED VESSELS AGAINST THIRD PARTY RISKS

Applica-
tion of
Chapter
VIII
of the
Motor
Vehicles
Act, 1939,
in
relation
to the
insurance
of mecha-
nically
propelled
vessels.

54C. The provisions of Chapter VIII of the Motor Vehicles Act, 1939, shall *mutatis mutandis* apply, in relation to the insurance of mechanically propelled vessels against third party risks as they apply in relation to motor vehicles, subject to the following modifications, namely:—

4 of 1939.

(a) throughout in Chapter VIII,—

(i) references to "motor vehicle" or "vehicle" shall be construed as references to "mechanically propelled vessel";

(ii) references to "public place" shall be construed as references to "inland water",

and such other consequential amendments as the rules of grammar may require shall also be made;

(b) in section 94,—

(i) in sub-section (3), for clause (c), the following clause shall be substituted, namely —

"(c) any State Water Transport Undertaking providing inland water transport service, where such Undertaking is carried on by—

(i) the Central Government or a State Government;

(ii) any local authority or any corporation or company owned by the Central Government or one or more State Governments or by the Central Government and one or more State Governments:";

(u) in the *Explanation*, in item (iu), for the words "State Transport", the words "State Water Transport" shall be substituted;

(c) in section 95,—

(i) in sub-section (1),—

(A) in clause (b), in sub-clause (i), for the words "of a public service vehicle", the words and brackets "of a mechanically propelled vessel used or adapted to be used for the carriage of passengers for hire or reward (hereinafter referred to as a public service vessel)" shall be substituted,

(B) in the proviso, in clause (i), for sub-clauses (b) and (c), the following sub-clauses shall be substituted, namely:—

"(b) if it is a public service vessel, engaged as a conductor of the vessel or in examining tickets on the vessel, or

(c) if it is a vessel used or adapted for the carriage of goods solely or in addition to passengers (hereinafter referred to as goods service vessel), being carried in the vessel, or";

(ii) in sub-section (2),—

(A) in clause (a), for the words "goods vehicle, a limit of fifty thousand rupees", the words "goods service vessel, a limit of two lakhs and fifty thousand rupees" shall be substituted,

(B) in clause (b),—

(1) in sub-clause (i), for the words "fifty thousand rupees", the words "two lakhs and fifty thousand rupees" shall be substituted;

(2) in sub-clause (ii),—

(a) in paragraph (3), for the words "one lakh", the words "five lakhs" shall be substituted;

(b) in paragraph (4), the words "where the vehicle is a motor cab, and five thousand rupees for each individual passenger in any other case" shall be omitted;

(C) in clause (d), for the words "a limit of rupees two thousand", the words "a limit of ten thousand rupees" shall be substituted;

(d) in section 96,—

(i) in sub-section (2), in clause (b),—

(A) for sub-clause (i), the following sub-clause shall be substituted, namely.—

“(i) a condition excluding the use of the mechanically propelled vessel—

(a) for hire or reward, where the vessel is on the date of the contract of insurance, a vessel not covered by a certificate of registration, or

(b) for organised racing or speed testing,
or

(c) for a purpose not allowed by the certificate of registration under which the vessel is used, where the vessel is a public service vessel or a goods service vessel, or”;

(B) in sub-clause (ii)—

(1) for the words “not duly licensed”, the words and figures “not holding a certificate granted under Chapter III of the Inland Vessels Act, 1917” shall be substituted, 1 of 1917.

(2) for the words “a driving licence”, the words and figures “a certificate granted under Chapter III of the Inland Vessels Act, 1917” shall be substituted; 1 of 1917.

(ii) in sub-section (2A), after the words “obtained from a Court”, the words “in the State of Jammu and Kashmir or” shall be inserted;

(iii) in the proviso to sub-section (2A) and in sub-section (6), after the words “corresponding law”, the words “of the State of Jammu and Kashmir or” shall be inserted;

(e) after section 105, the following section shall be inserted, namely:—

Duty of
driver in
case of
accident
and
injury
to a
person.

“105A. When any person is injured or any property of third party is damaged as a result of an accident in which an inland mechanically propelled vessel is involved, the master or the driver of the vessel or other person in charge of the vessel shall—

(a) take all reasonable steps to secure medical attention for the injured person, and, if necessary, convey him to the nearest hospital, unless the injured person or his guardian in case he is a minor, desires otherwise;

(b) give on demand by a police officer any information required by him, or, if no police officer is present, report the circumstances of the occurrence at the nearest police station as soon as possible, and in any case within twenty-four hours of the occurrence.”;

(f) in section 106,—

(A) in sub-section (2), for the word and figures “section 89”, the word, figures and letter “section 105A” shall be substituted;

(B) in sub-section (2A), in the proviso, for the words “transport vehicle”, the words “public service vessel or goods service vessel” shall be substituted;

(g) in section 107, for the words “whether by payment of a tax or otherwise for authority to use the vehicle in a public place to produce such evidence as may be prescribed by those rules to the effect that either”, the words “for a certificate of survey or a certificate of registration in respect of such vessel to produce such evidence as may be prescribed to the effect that either” shall be substituted;

(h) in section 108,—

(A) for the words “transport vehicle”, wherever they occur, the words “public service vessel or goods service vessel” shall be substituted, and such other consequential amendments as the rules of grammar may require shall also be made;

(B) in sub-section (1), in clause (a),—

(1) for the words “twenty-five thousand rupees for the first fifty vehicles”, the words “one lakh rupees for the first fifty mechanically propelled vessels” shall be substituted,

(2) for the words “one hundred and fifty thousand rupees”, the words “two lakhs and fifty thousand rupees” shall be substituted;

(i) for section 110 to section 110B, the following sections shall, respectively, be substituted, namely:—

“110. (1) The State Government may, by notification in the Official Gazette, constitute one or more Inland Vessels Accidents Claims Tribunals (hereinafter referred to as the Claims Tribunals) for such area as may be specified in the notification for the purpose of adjudicating upon claims for compensation in respect of accidents involving the death of, or bodily injury to, persons arising out of the use of mechanically propelled vessels or damage to any property of a third party so arising, or both;

Claims
Tribu-
nals.

Provided that where such claim includes a claim for compensation in respect of damage to property exceeding rupees ten thousand the claimant may, at his option, refer the claim to a civil court for adjudication and where a reference is so made, the Claims Tribunal shall have no jurisdiction to entertain any question relating to such claim

(2) A Claims Tribunal shall consist of such number of members as the State Government may think fit to appoint and where it consists of two or more members, one of them shall be appointed as the Chairman thereof.

(3) A person shall not be qualified for appointment as a member of a Claims Tribunal unless he—

(a) is, or has been, a Judge of a High Court, or

(b) is, or has been, a District Judge, or

(c) is qualified for appointment as a Judge of the High Court.

(4) Where two or more Claims Tribunals are constituted for any area, the State Government may, by general or special order, regulate the distribution of business among them.

Applica-
tion for
compen-
sation

110A. (1) An application for compensation arising out of an accident of the nature specified in sub-section (1) of section 110 may be made—

(a) by the person who has sustained the injury, or

(b) where death has resulted from the accident, by all or any of the legal representatives of the deceased, or

(c) by any agent duly authorised by the person injured or all or any of the legal representatives of the deceased, as the case may be;

Provided that where all the legal representatives of the deceased have not joined in any such application for compensation, the application shall be made on behalf of or for the benefit of all the legal representatives of the deceased and the legal representatives who have not so joined, shall be impleaded as respondents to the application.

(2) Every application under sub-section (1) shall be made to the Claims Tribunal having jurisdiction over the area in which the accident occurred, and shall be in such form and shall contain such particulars as may be prescribed.

(3) No application for compensation under this section shall be entertained unless it is made within six months of the occurrence of the accident:

Provided that the Claims Tribunal may entertain the application after the expiry of the said period of six months if it is satisfied that the applicant was prevented by sufficient cause from making the application in time.

8 of 1923.

110AA Notwithstanding anything contained in the Workmen's Compensation Act, 1923, where the death or bodily injury to any person gives rise to a claim for compensation under this Act and also under the Workmen's Compensation Act, 1923, the person entitled to compensation may claim such compensation under either of those Acts but not under both.

Option regarding claim for compensation in certain cases

110B. On receipt of an application for compensation made under section 110A, the Claims Tribunal shall, after giving the parties an opportunity of being heard hold an inquiry into the claim and may make an award determining the amount of compensation which appears to it to be just and specifying the person or persons to whom compensation shall be paid; and in making the award the Claims Tribunal shall specify the amount which shall be paid by the insurer or owner or master or driver of the vessel involved in the accident or by all or any of them as the case may be",

Award of claims Tribunal.

5 of 1898.

2 of 1974.

(j) in section 110C, for the words figures and letters "section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898", the words, figures and letter "section 195 and Chapter XXVI of the Code of Criminal Procedure 1973" shall be substituted."

27. In section 58 of the principal Act, for the words "ten rupees", the words "one hundred rupees" shall be substituted

Amendment of section 58

28. After section 58 of the principal Act, the following section shall be inserted, namely —

Insertion of new section 58A.

"58A If an inland mechanically propelled vessel has on board or in any part thereof cargo which is in excess of the cargo set forth in the certificate of survey as the quantity of cargo which the vessel or the part thereof is, in the judgment of the surveyor, fit to carry, the owner and the master shall, each, in addition to the penalty to which he may be liable under the provisions of section 58, be punishable with fine which may extend—

Penalty for carrying excessive quantity of cargo on board.

(a) in the case of first offence, to five hundred rupees;

(b) in the case of any second or subsequent offence, to one thousand rupees."

29. After section 62 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections after section 62.

"62A. If the master or the driver or other person in charge of the inland mechanically propelled vessel fails to report an accident in which his vessel is involved as required under Chapter VIA, he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred

Punishment for offences relating to accident.

rupees, or with both, or, if having been previously convicted of an offence under this section, he is again convicted of an offence under this section, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Penalty
for
using
uninsur-
ed mecha-
nically
propelled
vessel.

62B. If any person uses a mechanically propelled vessel or causes or allows a mechanically propelled vessel to be used without a policy of insurance complying with the requirements of Chapter VIA, he shall be punishable with fine which may extend to one thousand rupees.

Penalty
for
neglect
or
refusal
to
infor-
mation
as to
insurance
or to
produce
certi-
ficate of
insur-
ance.

62C. If any person without reasonable cause neglects or refuses to give information as to insurance or to produce the certificate of insurance under the provisions contained in Chapter VIA, he shall be punishable with fine which may extend to one hundred rupees.”.

Insertion
of new
sections
after
section 63.

30 Section 63A of the principal Act shall be renumbered as section 63D and before section 63D as so renumbered, the following sections shall be inserted, namely:—

Deser-
tion
and
absence
without
leave.

“63A. If any person employed or engaged in any capacity on board a mechanically propelled vessel commits any of the following offences, he shall be liable to be punished summarily as follows:—

(a) if he deserts from his mechanically propelled vessel, he shall be guilty of the offence of desertion and be liable to forfeit all or any of the property he leaves on board of the vessel and of wages he has then earned and also to imprisonment which may extend to three months;

(b) if he neglects or refuses, without reasonable cause, to join his mechanically propelled vessel or to proceed on any voyage in his vessel or is absent without leave at any time within twenty-four hours of the vessel sailing from a port or ghat either at the commencement or during the progress of a voyage or is absent at any time without leave and without sufficient reason from his vessel or from his duty, he shall, if offence does not amount to desertion or is not treated as such by the master, be

guilty of the offence of absence without leave and be liable to forfeit out of his wages a sum not exceeding two days pay and in addition for every twenty-four hours of absence either a sum not exceeding six days pay or any expenses properly incurred in hiring a substitute and also to imprisonment which may extend to two months.

63B. If any person employed or engaged in any capacity on board a mechanically propelled vessel commits any of the following offences, he shall be guilty of an offence against discipline and he shall be liable to be punished summarily as follows:—

General
offences
against
disci-
pline.

(a) if he quits the mechanically propelled vessel without leave after her arrival at the port or ghat or port or ghat of delivery, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay;

(b) if he is guilty of wilful disobedience to any lawful command or neglect of duty, he shall be liable to forfeit out of his wages a sum not exceeding two days pay;

(c) if he is guilty of continued wilful disobedience to lawful command or continued wilful neglect of duty, he shall be liable to imprisonment which may extend to one month and also to forfeit over every twenty-four hours continuance of disobedience or neglect either a sum not exceeding six days pay or any expenses properly incurred in hiring a substitute;

(d) if he assaults the master or any other officer of the vessel, he shall be liable to imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees, or with both;

(e) if he combines with any of the officers to disobey to lawful commands or to neglect duty or to impede the navigation of the vessel or retard the progress of the voyage, he shall be liable to imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees, or with both;

(f) if he wilfully damages his mechanically propelled vessel or commits criminal misappropriation or breach of trust in respect of or wilful damages to any of her stores or cargo, he shall be liable to forfeit out of his wages a sum equal to the loss sustained and also imprisonment which may extend to three months.

63C. If any offence within the meaning of this Act of desertion or absence without leave or against discipline is committed or if any act of misconduct is committed for which the offender's agreement imposes fine and it is intended to enforce the fine,—

Entry of
offence
in
official
log book.

(a) an entry of the offence or acts shall be made in the official log book and signed by the master and one of the person employed or engaged in any capacity on board of the mechanically propelled vessel;

(b) the offender shall be furnished with a copy of the entry and have the same read over distinctly and audibly to him and may thereupon make such reply thereto as he thinks fit;

(c) a statement of a copy of the entry having been so furnished and entry having been so read over and the reply, if any

made by the offender shall likewise be entered and signed in the manner aforesaid;

(d) in any subsequent legal proceedings the entries by this section required shall, if practicable, be produced or proved, and, in default of such production or proof, the court hearing the case may in its discretion refuse to receive evidence of the offence or act of misconduct”

Substitu-
tion of
new
section
for
section
69

31 For section 69 of the principal Act, the following section shall be substituted, namely:—

Exemp-
tion to
Govern-
ment
vessels
from
fees.

“69 The State Government may, by notification in the Official Gazette, exempt all or any mechanically propelled vessel belonging to or in the service of Government from payment of any fees payable by or under this Act.”.

Amend-
ment of
section
72A.

32. In section 72A of the principal Act,—

(i) for the words “of a province in Pakistan”, the words “of Bangladesh” shall be substituted;

(ii) for the words “that Dominion”, the words “that country” shall be substituted.

Omission
of sec-
tion 73.

33. Section 73 of the principal Act shall be omitted.

Amend-
ment of
section 74.

34. In section 74 of the principal Act,—

(i) in sub-section (1), for the words “on a State Government”, the words “on the Central Government or a State Government” shall be substituted;

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.

STATEMENT OF OBJECTS AND REASONS

With the passage of time, operation of power vessels in the inland waters of the country has undergone considerable change with the result that the provisions contained in the Indian Steam-vessels Act, 1917, are not found to be adequate effectively to regulate the operation of the inland vessels. A committee was set up by the Government of India under the Chairmanship of Shri B Bhagavati, Member of Parliament to consider the problems relating to the development of inland water transport and to suggest phased programme for development of this mode of transport. Recommendations for the amendment of the Act were made by the Committee. Certain other legislative changes are also considered necessary in the light of practical experience. The amendments proposed in the Bill are intended to make the legislation more effective and useful in regulating the operation of inland vessels having regard to the present day needs.

2 The principal Act was enacted when steam-vessels were in vogue. With the advent of oil-fired vessels, steam-vessels have become scarce and even the short title to the Act would be misleading in the present context. Accordingly it is proposed to modify the short title of the Act as "Inland Vessels Act" and to substitute the expression "steam-vessel" by the expression "mechanically propelled vessel". There is no provision now enabling the mortgage of vessels by owners for securing financial assistance for the construction or repair of vessels. Provisions in that regard on the lines of those contained in the Merchant Shipping Act, 1958 (44 of 1958) are proposed in order to overcome the difficulty. In the case of wreck, etc., the State Government is authorised to appoint a court of investigation only on a report to that effect from the master of the vessel. It is considered necessary to provide for the appointment of a court of investigation on the report of persons other than the master also. At present there is no provision in the Act enabling the State Government to take action to clear navigable channels blocked by wreck or other obstruction or by the grounding of an overdrafted vessel though such provisions do find a place in the Indian Ports Act, 1908 (15 of 1908). It is proposed to empower the State Government to clear up the navigable channels so blocked or obstructed. Compensation to passengers travelling in inland vessels involved in accidents is a public necessity. It is, therefore, proposed to provide for the obligatory insurance of passengers against risk and the burden is cast on licensed carriers by adopting provisions analogous to those applicable in the case of motor vehicles accidents. In view of the danger involved in carrying passengers or cargo or both in excess of what is set forth in the certificate of survey granted to a vessel, it is considered necessary to enhance the penalty for exceeding the set limits. In case of desertion, wilful absence from duty, negligence, etc., by personnel employed in inland mechanically propelled vessels there are no provisions for the taking of disciplinary proceedings. Provisions analogous to those in the Merchant Shipping Act, 1958 are proposed to be included

so as to ensure discipline among the personnel. Opportunity is also being taken to amend the rule laying formula to bring it in conformity with the recommendation of the Committee on Subordinate Legislation.

3 The Bill seeks to give effect to the objects mentioned above.

NEW DELHI;

MORARJI DESAI

The 28th June, 1977.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill seeks to amend section 19R of the Act which relates to the rule making power of the State Government. In sub-section (2) thereof, new clauses (fa) and (ga) are being inserted to empower the making of rules for prescribing the authority and for furnishing to such authority the information with respect to the inland mechanically propelled vessel and its registration and for providing the form of instrument creating a mortgage of a mechanically propelled vessel or a share therein or transfer of any such mortgage. Clause 26 of the Bill seeks to apply Chapter VIII of the Motor Vehicles Act, 1939 in relation to the insurance of mechanically propelled vessels against third party risks as they apply in relation to motor vehicles subject to the modifications contained in that clause. Sections 111 and 111A of the Motor Vehicles Act, which are made applicable by this clause, relate to the rule making powers of the Central Government and the State Government respectively.

2. The matters with regard to which the Central Government or the State Government, as the case may be, is proposed to be empowered to make rules are matters of detail. The delegation of legislative power is, therefore, of a normal character.

AVTAR SINGH RIKHY,

Secretary

